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International Court of Justice

H0084-0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 15 March 1946, 1000-1300, Lord Justice Lawrence presiding.

HERMANN WILHELM GOERING - Resumed.

DIRECT EXAMINATION - Continued.

BY DR. STAHMER:

Q What reasons existed for the invasion of Holland and Belgium?

A This question first has to be answered from the purely military and strategic point of view. It has been examined from these points of view. We were wondering whether the neutrality of the two states would be absolutely guaranteed.

THE PRESIDENT: Something seems to be wrong with the equipment. The Tribunal will adjourn.

BY DR. STAHMER:

Q Would you please continue.

A I repeat. At first, we had to determine whether the neutrality of Holland and Belgium would, under all circumstances, be assured in a conflict. In the beginning, it seemed it would. Then, information came in that particularly between Belgium and France, but also between Holland and England, negotiations had taken place. There was an incident at Venlo where a Dutch general staff officer had been caught on German territory, and neutrality could not be maintained under the pressure.

THE PRESIDENT: The translation isn't coming through quite loud enough there.

BY DR. STAHMER:

Q would you continue, if you please.

A If neutrality wasnot assured under all circumstances, there arose a tremendous danger for the struggle in that the right flank was menaced and exposed. The purely military offices had to be concerned with strategic matters only, and they knew, since they were asked to give their opinions,

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that they had to give this information in a purely military sense, that is, to point out that of course by occupying both countries, the purely military and strategic situation would be different. Then, if this would not have taken place, such an occupation would have taken place on the part of the enemy.

An additional element which made it necessary to doubt the absolute neutrality of these countries was the fact that most of the flights from Great Britain into Germany went over Dutch or Belgian territory. Reliable information reached us, informing us that the Belgian Army, which had been deployed, at the beginning of the war, on the western front, were prepared with all their forces along the German border.

Further information indicated that an exchange of thought between the French General Staff and the Belgian General Staff had taken place, and that under pressure from the French General Staff they had given assurances they would participate in the construction of the fortification line along the Maas against Germany.

Other information indicated that the French Chief of Staff, Gamelin, as well as Admiral Darlan and the Chief of the Air Force, Vuillemin, considered the occupation of Belgium necessary under all circumstances and demanded it for the security of France, and that considerable negotiations had taken place between theFrench and the British Governments. The information at the time was highly reliable, and how true it was we could ascertain later when, after marching into France, we found the secret documents of the French General Staff and also minutes of conferences which had taken place between the French and British governments, the so-called Supreme Military Conference.

It was the opinion of the Fuehrer that it was impossible to maintain neutrality on the part of the countries in the face of increased French-British pressure, and that then, the Ruhr area particularly, whichwas so vital to us, would have been exposed to extreme danger. How justified this opinion was can be seen from reports in which the British Chief of Government suggested and had explained also by experts in the War Council

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how best the Ruhr Valley could be attacked by low-flying British aircraft which would approach over Belgium and then, at the last moment, over the shortest distance could attack the Ruhr Valley from Belgium, and in this manner could destroy the most important industries there.

If that was not carried out at first, it was due to the concern of the French Prime Minister that he, on his part, was worried about French industry and wanted to leave it to the other side to make the first attacks against industry. England insisted, however, at all times, on carrying out this attack from Belgium on the Ruhr Valley.

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If we take into consideration how short the flying distance is from the Belgian border to the most important industries of the Ruhr Valley, only a few miles, then we have to recognize the entire danger which was apparent if the neutrality of Belgium was not respected by our enemies, because if it had been respected, and attacked by the British Air Force, at the Ruhr Valley, we would have had to start by coming from the north and would have had the comparatively long distance, where it would have been impossible without difficulty to avoid and to cut off such an attack.

However, if this came over Belgium it was almost impossible. Therefore in this serious struggle it was important in the first place to think of our own vital interests and not to leave the advantage to the enemy, but once we were convinced, once we realized these moments of danger menacing our people and our enemy to exclude these elements and to use the advantages which the enemy wanted to use.

Q For what reason were officers interned in France, even after the war was over?

A First I would like to correct an expression in this question. In France the war was not at all terminated. It was just an armistice that had been signed, and in this armistice we had dealt very generously. Already in the preamble of the armistice there was expressed a tendency of future friendship, contrary to that armistice which had been signed in 1918 on the same spot.

When at that time Marshal Petain asked for an armistice, the first answer he received was that capitulation would have to be an unconditional one. Later we gave to understand that quite a number of demands concerning the fleet, certain parts of an unoccupied territory, questions of colonies, that these demands would be the first to be considered. The situation was such that Germany at that moment had to insist on an absolutely unconditional capitulation and that no French forces of any importance which could have come from England should be at the disposal, in order to avoid a complete military catastrophe in France.

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No line, no French formation, could have avoided the penetration by German troops all the way to the Mediterranean. There were no reserves in England. Everything which had been there was in the expeditionary force which was in the Belgian area north of France and finally had been battered at Dunkirk.

In this armistice the conditions were respected which had been mentioned as requests. The Fuehrer had a certain generous solution touching the question of captured officers, but since contrary to a far-reaching appeasement which we had hoped for, and which really took place in the beginning, and since by propaganda from across the Channel and the establishment of a new sector of resistance under General de Gaulle, in France, the resistance began to develop.

For all these reasons, from my point of view, it was quite clear that first of all French officers would put themselves at the disposal for these movements. But at the same time it was a matter of course for Germany, recognizing this danger, that these elements who would be the leaders in such military movement of resistance, that is to say, the officers, and so tried to stave off the danger. So that in that way she put all these officers who had been still free in France, into captivity. That was a fundamental prerequisite in order to avoid the danger of a renewed war in our back in France. I believe that it is quite unique, while on all fronts war was still raging, for one to permit the officers of a country with whom one has an armistice to move around freely. As far as I know, that has happened for the first time in the history of warfare

Q Can you give us definite information to explain that the struggle in France, which was finished in 1940, had taken such severe forms later?

A One has to distinguish between two phases. The first phase was the great military dispute, that is to say, the attack of the German forces against the French army. This struggle was executed and terminated quickly, and one cannot say that it was always a chivalrous

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one, because from that period we know of several deeds on the part of the French, against our prisoners, which were later pointed out in the white books which we presented to the International Red Cross in Geneva. But all in all, it had the usual forms of a military struggle, with the excesses that always occur here and there in such a struggle.

After that had been terminated, at first appeasement and

quiet reigned. Only later, as the struggle continued and expanded, especially when the struggle against Russia was added, when on the opposite side a new centre of leadership had been created, then at that time in the countries of the west which had been quiet until then and where no serious events had taken place, an absolute change was brought about by the resistance movement. Raids, attacks on German officers and so on, hand grenades and bombs thrown into localities where German officers or soldiers were present. Bombs were even thrown in places where there were women -- Red Cross nurses. Auto-cars were attacked, lines of communication cut, rails were blasted, and this in increasing measure.

Since this was a war behind the front, and during a period of land warfare, such a war represented a great difficulty. When aerial warfare was added, entirely new possibilities and methods were developed. Night after night a large number of planes came over and dropped a tremendous quantity of explosives and arms, directives, etc., for this resistance movement, in order to reinforce and increase it. The German Intelligence was quite successful, by means of radio measures of deception, to get a large number of these materials into their own hands; but sufficient amounts were left which fell into the hands of the resistance movement.

The atrocities which have been committed in this connection were also of large extent. As to this, documents can be submitted. Of course --

MR. JUST ICE JACKSON: If the Tribunal please, I am very reluctant to interrupt this examination, but I should like to ask if the Tribunal will avail itself of the Charter provision to require from Counsel a statement as to how this is relevant to the charges which we are engaged in trying.

It raises a rather large and important question, and that question is this, as I see it: It raises a question which involves a great deal of time, if time is an important element in this proceeding.

For the purposes of this statment, I may admit that there were actions taken by partisan groups within occupied territories which were very annoying, objectionable and injurious to the would-be conqueror. It is sought to introduce testimony as to what partisans did toward the German occupying forces, on the theory of reprisal, then I respectfully submit that Counsel is proceeding in reverse order, that is to say, if the Defense says,

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"Yes, we did commit certain atrocities; we did shoot hostages; we did violate international law," then it may be that the motive -- I shall argue that it is not, under the Hague Convention relevant but then at least we might have that question presented.

But unless this evidence is offered on the theory that reprisals would be justified, it has no place, I submit, in the case. If it is offered on the basis of establishing a theory of reprisal, our first inquiry is, What is it that reprisals were for? In other words, the doctrine of reprisal can only be invoked when you first admit that you committed certain definite acts of violation of international law. Then your question is whether you were justified. I submit that it might shorten, and certainly would clarify this proceeding, if counsel would definitely state what acts it is on the part of the German occupying force that he is directing this testimony, as I suppose, to excuse it, and that unless there is some theory of reprisal pointed out with sufficient definiteness, so that we may identify the violations on Germany's part for which she is seeking excuse by way of reprisal, this testimony is not helpful in deciding the ultimate question.

The question here is not whether the occupying countries resisted. Of course they resisted. The question is whether acts of the character we have shown can be excused by way of reprisal, and if so, there must be an admission of those acts and the doctrine of reprisal must be set forth, it seems to me, much more specifically.

DR. STAHMER: Unfortunately, I did not understand all of the statement, but I believe that for the following reasons what we have discussed up to now is relevant:

The defendant is accused of the fact that hostages had been taken in large numbers and were killed, and it is said that this was a violation;

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at any rate, the motives which led to the taking of hostages have not, up to now, been discussed, at least not sufficiently, and to clarify this question, which is so important for the decisions in this trial, it is in my opinion absolutely necessary to explain that these decrees concerning the arrest and the treatment of hostages were called for by the attitude of the resistance movement and the actions of the resistance movement. Therefore, in my opinion it could be said with justification that the actions of the resistance movement were the cause for the measures which had to be taken later by the German military authorities, much to their regret.

MR. JUSTICE JACKSON: May I say one word in answer to Doctor Stahmer's offer, if it be an offer?

The suggestion of Doctor Stahmer that the motives here are to be tried seems to me to lead us very far afield. If he is invoking the international law doctrine of reprisal, then he has to meet the conditions of that doctrine. Article 2 of the Geneva Convention of the 27th of July 1929 provides specifically that measures of reprisal against prisoners of war are prohibited. He therefore must relate it to some one other than prisoners of war. Under the doctrine of reprisal, as we understand it, any act which is claimed to be justified as a reprisal must be related to a specific and continuing violation of international law on the other side. That is, it is not every casual and incidental violation which justifies wholesale reprisal. If it were, then international law would have no foundation, for a breach on one side, however unimportant, would completely absolve the other from any rules of warfare.

Secondly, anything which it is claimed to be justified as a reprisal must follow within a reasonable time and it must be related reasonably to the offense which it is sought to prevent. That is, you can't by way of reprisal engage in wholesale slaughter in order to vindicate a single murder. Next it must be shown as to the reprisal that a protest was made, as a basis for invoking reprisal. You cannot engage in reprisals without notice. The reprisal must be noticed and there must be notification by a responsible party of the government.

Next, and most important, a deliberate course of violation of international law cannot be shielded as a reprisal. The specific acts must be

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reprisals for specific acts under the conditions I have pointed out. You cannot vindicate a reign of terror under the doctrine of reprisal; and so I respectfully submit that the offer of Doctor Stahmer to inquire into the motives of Goering individually or of all defendants collectively, or of Germany, does not meet any legal test. It might be pointed out to the Court by way of mitigation of sentence after conviction, but is not a proper consideration on the question of guilt or innocence of the charges which we have brought to the bar.

THE PRESIDENT: Mr. Justice Jackson, I understood you to agree that this sort of evidence might be relevant in mitigation of sentence?

MR. JUSTICE JACKSON: If your Honors find the defendants guilty, then it comes to the question of sentence, as in our practice. You might find almost anything that a defendant saw fit to urge relevant to the sentence, but I don't take it that Doctor Stahmer is now dealing with the question of offers relevant to that subject. If it is I should consent that any plea for leniency be heard, of course. It is offered, as I understand it, on the question of guilt.

THE PRESIDENT: That may be so, but the Tribunal may consider it more convenient to hear the evidence now. The Charter, as far as I see, hasn't provided for any evidence to be given after sentence if sentence is pronounced. Therefore any evidence which would have to be given in mitigation would have to be given now.

MR. JUSTICE JACKSON: The difficulty with that, I should think, would be this: that a defendant may very well be found guilty on some count but not on others. That would require litigation at this time of the question of sentence, two-thirds of which might be irrelevant because he might not be found guilty on more than one count.

I may be biased in favor of the practice that I know, or at least may be presumed to have some knowledge of. In our procedure the question of guilt is tried first. The question of sentence is a separate subject, to be determined after the verdict. I should think that would be the logical way to proceed here. I do not understand that this -- and I think Doctor

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Stahmer confirms my view -- is offered on the question of sentence. I don't think he concedes he has reached that point yet.

DR. STAHMER: May I speak briefly on this?

It has been said that violations of international law were committed, to a large extent, by organizing partisan groups. The struggle against these actions could only be carried out by reprisals. As Justice Jackson has explained, it is correct that certain conditions prevailed for reprisals, but I believe--

THE PRESIDENT (Interposing): You agree that the conditions which Mr. Justice Jackson stated are accurately stated?

DR. STAHMER: Yes, but we have to deal here, in my opinion, with the fact of an emergency,an emergency which was created by action of the partisans in violation of international law, and this condition of emergency permitted commanders of the army to take general measures in order to remove these conditions which had been brought about in violation of international law. Therefore, at any rate, these facts are of importance and are relevant concerning the question of verdict.

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THE PRESIDENT: The Tribunal does not propose to hear an unlimited number of defendants' Counsel, but I observe that Dr. Exner is there, and they are prepared to hear one other Counsel; if Counsel wish, Dr. Exner, upon the subject.

DR. EXNER(Counsel for Defendant Jodl): May it please the Tribunal, indeed, we are all interested in that question of reprisals, and I would like to say a few words.

Having taught ten years of international law at the university, I believe that I understand something about it. Reprisals are among the most disputed terms of international law. One can say that only on one point is there absolute certainty. That is the point which Justice Jackson has mentioned as the first one. Reprisals against prisoners of war are not permitted. Everything else is matter for dispute and not at all accepted in international law. It is not correct that it would be the practice among all states, and therefore international law, that a protest is a pre-requisite for taking reprisals. Neither is it correct that there has been a so-called sensible connection. It was asserted that there must be a connection in time and a relation of proportion ought to be between the violation and the reprisals, and there are experts on international law who assert it and say that there should be a demand, but existing international law, in the sense that an agreement has been made to that effect or that it would be a law -- that is not the case.

It will have to be said, therefore, on the basis of violations of international law by the other side, we can never take reprisals against prisoners of war. However, every other form of reprisal is admissible.

I just wanted to state that in general terms, and perhaps I still could say that it has been asserted that at this time we should not speak about the reasons for mitigation. I would like to remind the Court that we are only permitted to make one address, and if in this speech which takes place before the decision has been reached about the question of guilt we are not permitted to speak about mitigation, then we would not have any opportunity to speak about it at all.

THE PRESIDENT: The Tribunal will adjourn now.

(A recess was taken)

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THE PRESIDENT: The Tribunal rules that the evidence is admissible on the question of reprisals, and the weight that should be given this or similar evidence will be reserved for future consideration.

BY DR. STAHMER:

Q Will you please continue?

A I believe that the statement which I am about to make will be satisfied with the condition which Justice Jackson has put as follows.

I do not in any way wish to dispute that things took place which may be debated as far as international law is concerned, and other things occurred which under every circumstance may be considered and must be considered as excesses. I only wanted to set forth how it happened without entering the legal status of reprisals, but considering the feeling of the individual soldier, who was not challenged by regular troops, but in the back and was prevented from doing his mission through these disturbances.

Through all of these things, with which I do not wish to take up your time, there was an embittering, which in certain cases as a matter of state emergency had been decreed, and partially the excesses of certain occurrences had taken place.

We must put ourselves back into the period of the stormy battles. Today, after the elapse of years, in a quiet setting forth of the legal basis, these things sound disturbing, and they sound incredible and not understandable. Explanations or expressions made through embittering sound differently and do not lead to a comprehension of the situation that obtained at that time.

It was my sole intention for just one moment to picture to the high Tribunal that atmosphere, out of which such actions, even if they could not be excused, would appear understandable, and in a like situation were carried out by others. That was and is my answer to the question why the relations in France had two different aspects of war; first--and I would like to include with this the phase of the regular

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battle--and, second, the phase of that battle which was not led by regular troops but those which came from the back in the underground and contrary to other measures, which brought with them atrocities and cruelties and brought forth other cruelties than those that would be brought forth in a regular war. And in a case like that special or single occurrences will take place which the highest leadership cannot always control and is in no position to control.

Q What measures were taken by the German occupational authorities in France in order to help French agriculture?

A I can reply very briefly, and I can refer to the testimony of the witness Koerner, whose testimony I can only confirm. By that I mean France, as far as her agriculture was concerned, was during the period of occupation helped, developed and increased. A large number of non-arable tracts or those which had not been put to good agricultural use were re-instated or re-constructed, put to good use. Other tracts, by the use of additional fertilizer or additional cultivation, were intensified in their production.

Individual reports as to just what took place and figures as to an increase of agricultural development I am not able to give you exact statistics on, but responsible experts are in a position to give exact figures.

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Q What reasons were present for the bringing of credit slips in occupied countries?

A A measure which would probably be taken by every occupying power, so that the circulation of money could be regulated to keep it in its proper limits and channels and to keep the currency of the country under control; in other words, similar to the procedure that is being used in our occupied zones of Germany today.

Q In Document 141-PS there is something concerning the 15th of November 194[illegible] in which there was a regulation regarding art objects. Are you familiar with this or shall I refresh your memory?

A I remember this document very distinctly. It has played an important role, these art objects which were taken to the Louvre and later into the exhibition hall. We were concerned with these objects of art which were Jewish property but without masters and had left the country; that is, the art objects that left the country and had been confiscated. This order was not issued by me. I did not know this order. It was the Fuehrer's Decree. Then, when I was at Paris. I heard of this order and heard further that it was the intention of these art objects in the main -- that is, as far as they had museum value -- to put them into the museum at Linz which the Fuehrer contemplated erecting at Linz. I personally will confess that I am interested but not in everything that was to be transported to Southern Germany. I personally, for quite sometime previous to this incident, had decided and had made my intention known to the Finance Ministry, that after the war or some other period of time which I considered opportune, that the objects of art which I had in my possession, either through purchase, through gifts, or through inheritance, that these art objects would be taken and given as a grant to the German people, and I had the intention to institute or to erect this gallery or museum in a different way from what museums had been constructed in prior days -- for the development of this gallery was put up at Karinhall and according to the historical background, these paints and objects of art were to be presented and shown according to the historical background. Preparations had been taken along these lines but because of the outbreak of the war, work could not be completed. Paintings, statutes, and other objects of art were to be included in this collection and this collection was to be completed. Then, when I saw the course of events and heard that these

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objects, which I mentioned prior, were to be transported to Linz -- there were some which were not of museum value and were to be used for a subordinate purpose -- I had the intention, and I fully admit that, that I had a passion for collecting things of all sorts and I said that after these things are confiscated and are to remain so, I wish to have a small part, I wish to buy a small portion of them, so that I may include them into this gallery which I intended to establish in Northern Germany. The Fuehrer agreed to this with one condition, that he himself would like to see at least the reproductions of those objects which I wanted, and in many cases it occurred that he wished to earmark these paintings for himself, that is, not for himself but his museum, and that I had to give them back; but from the beginning, I wanted to have a clear preparation or a clear differentiation that these objects which I wanted to have for my own galleries, wanted to buy the things for this gallery, I was willing to pay for these objects; therefore, I established for that an expert of art, and a Frenchman, a professor, whose name I don't recall. He was a Frenchman, who had been in Germany, and a man to whom I never talked to before. This man was to estimate the value of these objects. I would then utter my view whether I was interested, whether the price was too high, or whether I would not want to buy the paintings or whether I would wish to buy

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them and pay the price. A part of this collection was treated in such a way, but part of this collection was transported back and forth, that is, they were sent to the Fuehrer. They did not remain with me and after we had reached some understanding, payment was to take place. In this document, in this decree, which I called a "preliminary decree" and which the Fuehrer would have had to approve, I emphasized that all those objects which were to be paid for, that is, things which were not of museum value, were to be sold at auction to French or German businesses or people who were interested and that the monies taken in this way was to go to the families of French people killed in the war. Then I inquired repeatedly where I was to send this money and that in collaboration with French officers, a bank account could and should be established for this purpose. In order to establish this account, the amount of money was always available at my bank even until the end and one day when I inquired again into this matter, I received an answer which surprised me. The answer was that the Reichsschatzmeister was not interested in these monies. I at once wrote on this matter and my secretary can verify this by oath, that I could not understand how the treasurer, the Reichsschatzmeister of the Party, how he was concerned and that I wanted to know the French authorities to whom I could have this account transferred and in this case, the Party, that is, the Party Treasurer, had no authority to dictate to me whether I should pay or not, whether I was myself desirable of making the payment. Then after this, after France had been occupied, I demanded to know just where I could have these monies transferred. In summarizing and concluding, I wish to state that I considered these things confiscated for the Reich, as according to the decree, and I believed myself to be justified in purchasing some of these objects, especially since I told not only some of the officials but some of the other people and have never concealed the matter that these objects of art, about the ones I mentioned and already in my possession, were to be used and collected in the gallery of my own desire, which I have already mentioned.

As far as change is concerned, I would like to put this matter straight also. Among these confiscated paintings were some of the modern school -- pictures which I personally did not like and do not like but, as I was told, these pictures were desired in French commercial channels and in answer to that, I stated that as far as I am concerned, even these pictures may

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be estimated as to value, may be purchased, so that they may be exchanged against old masters, the ones that I am interested in. I never exerted any pressure in this direction or in this connection. I was only interested as to whether the price that was asked of me was too high and then I was not interested in the offer or I was interested in the offer. I was chiefly interested in whether the offer was sincere and real, but I wish to state again that this was a matter of exchange and I did not use any pressure. After I purchased these objects, I used some of them as well as some of my own and which I had in my prior possession, and used them for general museum trading. That means, one museum was interested in one picture and I was interested, for my gallery, in another picture which was in the possession of the museum and then we traded, and these trading measures often took place with art dealers of foreign countries but not only pictures and objects of art were concerned. I offered in the open market in Germany, Italy, and in other countries, and purchased other objects of art or some that I had in my possession. At this opportunity, I would like to add that independently of the buying, I would like purchasing of these confiscated objects. I, also, in France and other countries, before and after the war, that is, during the war, I would like to say, that on the open market I bought both objects of art and I may add that the situation was as follows, that if I came to Rome, or Florence, or perhaps Paris, or into the Dutch countries, if the people had known in advance that I was coming, in the very shortest time I would have had a dearth of offers, of written offers of every circle, that is, art dealers and private, and that these offers were always present.

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There were several misleading offers of some objects that were real and genuine, however, and I was interested, and in the open market I purchased a number of art objects in the course of the year, and professionally did I buy such from private people of whom I had offered some private purchasers.

I would like to emphasize that even in the beginning, and especially in the beginning I was cheated as soon as it was known that I was interested, and fifty to one-hundred percent were added to the price, and this is the price I had to pay in answer to this question.

Q Did you have the securing of French monuments, did you take any measures to protect these things?

A I would like to refer to these State Art Treasures of France, that is, to these especially in the hands of the State museums. Sofar as these State Museums were concerned, I did not confiscate a single article, or in any way remove a single article, There were two trading mediums with the De Louvre on an entirely voluntary basis, and in that case I traded a figurine which is known in art as "La Belle Allemagne." The statue of "La Belle Allemagne" had originated in Germany, and another figurine I had, which had been in my possession for many years, I traded this figure in my possession and other objects or pictures for that statute.

An agreement was this way, I was always intent on having our officers protect objects of art wherever destruction was concerned, and to protect them against bombings, and against the rigors of battle, and I remember that when the Directors of the Louvre told me that most of the things had just been put into the rooms of the Loire Castle, then I was concerned when increasing bomb attacks came, and that upon their request, and if they wish it, and if it were necessary, I would advise them to put these articles into safe keeping, and then they told me they had not the transport facilities.

Now I wish to refer to these historical monuments, and I include the international monuments, churches, and anything that is not portable, and in this connection I would like to say, perhaps at no time or another did I issue an order which because of purely military consideration brought about the inner-contradiction within myself. I had told flyers repeatedly and strongly, and that under no conditions that all Gothic or other Cathedrals of the French cities were to be protected, and were not to be attacked. They were not to be attacked, even if the mortality and units of troops were concentrated, and, I decreed that if

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the attack had to be made by the precise Stuka unit which were to be used, that every Frenchman who was present at the time would have to agree that curios, pictures or articles, for instance, in Amiens, Chartre, and other cities, that the Cathedrals should be protected, and windows had to be taken out, and put in safe keeping, but the houses surrounding the Cathedrals were the victims of the attack. That was without exception. That just a small city of Bouvais, where a large Cathedral had been spared of historical value, where the historical value had been determined, they were spared, and contrast that to the scene which later on took place in Germany, and I say the French Government repeatedly appreciated that, and told me of their appreciation in thisrespect. I have no other comment on that point.

Q What were the motives as to Colonel Veltjens having centralized the black market in France?

A Colonel Veltjens was a colonel in the Reserves. He was a flyer in the first World War, and had entered business after the first World War. Therefore, he was not in the capacity of a colonel, but of a business man. He was not only functioning in the operation of the black market in France,

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but of Belgium and Holland, and it came about in the following manner. In a certain period during the occupation it was reported to me that certain things in which I was interested in the direction of war economy had been and were being obtained only in the black market. I then knew the concept of the black market which I learned for the first time. I knew that copper, tin, and other vital metals might be avialable, but they had been buried in the mines of Holland, and had been concealed in other countries, also, but if money were available these objects could be resurrected, but on the basis of confiscatory decree, which was their view, the raw material would be available to us. At that time, and at every other time, I was interested only in final victory, and that my intents was governed by this determination which was more important to my being able of copper and tin to purchase, as, for example, to get them at any price, no matter what the price might be, rather than not to have them. I did not even have an idea or opinion that the high prices might not be justified, but I told the government it makes no difference what the influence is in it, the German armaments is interested and is in need at all times to get those things, that that is the most important. How you can get them by any means does not matter. If you get them through confiscation, that is all the better. If we are to pay a good deal of money to get them that way, then you will have to do that. The unpleasant thing was that other officers without my knowledge, as the French prosecution showed quite correctly, that the other occupants tried to get the same material also. This rivalry was within our own group, and I now gave Veltjens the sole authority to be the only one to go among the people to get those materials and on this basis I authorized Veltjens to control these activities, and to eliminate other opponents who were interested in getting the same material; that we might aim, although it is very hard, to combat the black market activities, and we can see that is the only way of doing this through many reasons. Afterwards, even Veltjens and his organization had been prohibited in the black market, to prevent it, and on special request of Minister President Laval, but even with that can say we could not do away with the black market, and to this end and source, as confirmation of my view, the French prosecution showed that the black market

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source was too prolonged; that is is still providing after the war and so far as I know how it is still flourishing in Germany. These are things which during and after a war arises, and still arises during strict measures due itself to the great demand and of no supply.

THE PRESIDENT: Dr. Stahmer, The Tribunal understands from you that the witness would probably -- that the defendant would probably finish his examination in chief at midday today. Tell me how how much longer you think the defendant will be with his testimony.

DR. STAHMER: I had counted on being able to conclude my questioning, but there were several interruptions, and I hope to conclude during the course of the afternoon.

THE PRESIDENT: There was no interruption with the exception of that one interruption with reference to Justice Jackson's objection to reprisals. There was no other interruption that I remember.

DR. STAHMER: Yes, there was after the technical disturbance, Your Honor, to which I am referring.

THE PRESIDENT: Then the Tribunal will sit tomorrow morning from ten to one.

(A recess was taken until 1400 hours)

H0084-0025

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 15 March, 1946, 1400 - 1700, Lord Justice Lawrence presiding.

BY DR. STAHMER:

Q What were the reasons that led to the attack on Yugoslavia?

A Germany, during all the years before the beginning of the war, had the very best relations with the Yugoslavian people and the Yugoslavian Government. It was part of my foreign policy undertaken to take care of this relation in particular, since I had, with the Regent Paul and Minister President Stosadinowitsch, friendly relations, had visited the country several times and also stayed for a longer vacation.

It was our intention not only to have the best economic relations, but also to come to a close understanding politically. This was successful to the fullest extent, and found its consummation in the return visit which the Regent Paul made to Germany.

At the same time I had established similar friendly relations with King Boris of Bulgaria, and also here in this instance I could intervene frequently and at times also with Italy. My intervention for Yugoslavia even created a certain amount of suspicion against my intentions.

After the beginning of the war everything was sought to be avoided which could, in any way, change the relations with Yugoslavia into anything but friendly relations. It is regrettable that Prime Minister Czeditowitsch resigned, but his successor had the same policy.

The Three Power Pact had for its purpose that Yugoslavia, under all circumstances, should maintain its neutrality and should not be directed into the war. At the time when the signing of that agreement took place the necessity had been recognized to send troops

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to Rumania and, with the expected landing of troops from Great Britain in Greece, also to Greece. In spite of that agreement we had a pact that no troop transports should go through Yugoslavia, so that the neutrality of that country, after the joining of Yugoslavia in the Three Power agreement, was established.

At the same time, through our close relations with Yugoslavia, we heard about the background power, the Putsch. A short time later we received a communication that the reports from Yugoslavia were correct, that is to say, that there was an acute presence of Russian policy, as well as, through large sums of money, a financial undertaking from the side of England, of which we found proof later. It was so extensive that this undertaking went against the policy of friendship of the former Yugoslav Goverrment and against Germany, and in later statements in the places which I will mention here.

The Russians had emphasized what their interests were and what the purpose of their undertaking had been. The new Yugoslav Government was quite different, and few took the close relation with our enemy, such as we had at that time, that is to say England, seriously.

The affair of the Simowitsch undertaking was a very late and decisive reason to remove the very last hopes of the Fuehrer in regard to Russia, and to convince them that he had to take the first steps in that direction. Before the Simowitsch incident it is probable that, although preparations had been undertaken, they would have doubted the necessity of an attack against the Soviet Union.

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At the same time, it was evident that Yugoslavia, under the new government, only tried to gain time for her deployment, because during the very same night of the putsch the official orders for mobilization were issued to the Yugoslav Army.

In spite of the assurances which Simowitsch gave to Berlin, that he would stick to the agreement, the maneuver was easily to be understood. The situation was the following:

Italy, our ally, had, in proceeding through Albania, attacked Greece, if I remember correctly, in October or September 1940. Germany had not been informed of this venture. The Fuehrer was informed by myself, and I had only found out about the incident, and then probably through the foreign office, and immediately he turned back his train on the way from France to Berlin in order to meet the Duce at Florence.

The Italian Government, or Mussolini himself, saw absolutely clearly why the Fuehrer wanted to talk to him and, if I can remember correctly, the order to the Italian Army to march from Albania to Greece was issued sooner by about 48 hours. It is a fact that the Fuehrer, in his concern to prevent an expansion of the conflict in the Balkans and the eastern Mediterranean unde all circumstances, wanted to urge the Duce to forego such plans, which were not necessary but only taken for reasons of prestige.

When the meeting took place at 10 o'clock in the morning and the Fuehrer had mentioned this point of view, Mussolini declared that since 6 o'clock on that morning the Italian troops had already been advancing through Greece and, in his opinion, would shortly reach Athens.

The Fuehrer pointed out again that this would mean that under certain circumstances, also, the relations to Turkey would be seriously endangered, and again an area of war would be created, and he did not mention at that time that finally Italy would have to call Germany for help. Thus was the situation at the beginning of the attack against Yugoslavia.

Italy was stopped and thrown back in a strategic and tactically unfavorable situation. Thus, only a part of the Yugoslav Army could succeed to get behind the Italian position. Then Italy would not only be

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eliminated there, but a considerable part of the Italian forces would have been destroyed. A short time before already the position of these Italian forces was expected to become hopeless, because by the landing of British troops in Greece it could be expected that as soon as they could come to the aid of the Greeks the Italian Army would not only have to withdraw from Greece, where they were standing only shortly inside the border, but also from Albania, and that then British troops would be in dangerous proximity of Italy and of that part of the Balkans which was economically important for us.

By the Simowitsch Putsch and the mobilization of Yugoslavia, in a short time the fate of the Italian Balkan Army would have been decided. Only quickest action could prevent a two-fold danger. First, a catastrophe befalling our Italian ally; and, second, the gaining of a foothold by British troops in the Balkans and a starting position in the expected conflict with Russia.

The German troops which were sent on the march for the undertaking, that is to say, the troops which should advance on Greece in order to push the British divisions back into the Mediterranean and in order to help the Italian ally, were turned to the right after short and speedy preparations and they were thrown into the flank of the Yugoslav deployment.

The Air Force was called from their airfields in Germany within a very short time, which was easily possible, and transferred to the airfields in the southeast area, also to support the attack. Only by such quick action, and due to the fact that we were already prepared for it by the Plan Marietta, Germany was in a position to stave off an extraordinary danger for the entire position in the Balkans and in the southeast area at that moment. Politically and militarily, it would have been a capital crime for the German interests if in that case the Fuehrer had not decided as he did.

Q What targets did the Air Force attack in Yugoslavia first?

A I have just explained the situation and the position of the German forces at the outbreak of this war and that their tasks were to be performed at the same time at great speed and with the greatest possible effect, in order to assure their original task, which was the piercing of the Metaxas line in the north of Greece, and that this could be done in time before British

H0084-0029

troops, which had already been landed near Athens, could come to the support of the Greek troops along the Metaxas line.

Therefore, on the one hand, it was necessary that a considerably smaller part of the German forces attack that line, while the other part had to throw itself upon the Yugoslav Army, and with insufficient forces had to obtain in the shortest possible time the elimination of that army. Otherwise, it was not only possible that the destruction of the Italian Army could have taken place, but the German Army, thus divided, with part of their forces in Yugoslavia -- the support by Bulgaria came much later -- and with the other forces trying to force the Metaxas line to avoid the British deployment there, that in this dividing of forces the German Army could come into a very difficult and critical and maybe disastrous military situation. Therefore, in this case it had to be used with the greatest effect, in order to see to it that the Yugoslav action of deployment against Germany should be stopped as quickly as possible.

Therefore, the order was to concentrate the attack upon the Yugoslav Ministry of War in Belgrade, particularly the railroad station, which in Belgrade, in view of the small number of their lines, was especially important. And then there were several other important centers--the general staff building, etc., because at that time the entire headquarters, politically and militarily, was still located in Belgrade. At that moment everything was still concentrated there, and the bombing of that nerve center proved to be of the greatest consequence in paralyzing the resistance.

A warning for Yugoslavia was not necessary, in fact, for the following reasons:

Formally, one may say that we had not sent a declaration of war or a warning. In fact, however, none of the leading personalities in Yugoslavia had the least doubt that Germany would attack. One recognized that because one had feverishly prepared for mobilization. The attacks of the German Army, therefore, were prepared at a time which was before the bombing of Belgrade. But even if we assumed that the air force had made the first attack and then the army, that is, without warning, then still the actions of Yugoslavia had

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had called for it. The extraordinary danger of the military situation for us -- we stood in the middle of the most serious struggle and we had to secure the Balkans in both directions. The aims -- and I repeat that, as I remember very well -- the targets were the enemy Ministry of War, the railroad station, the general staff building, and one or the other ministries. The city, of course, since these buildings were inside the city, was also hit.

H0084-0031

Q During the last days we had repeatedly heard about the serial attacks on Warsaw, Coventry and Rotterdam. Were these attacks made beyond military necessity?

A The witnesses, and first of all Field Marshal Kesselring have reported about part of that. But from these statements I can realize again, and it is a matter of course that a commander of an army, an army group or an air force in the long run can only see a certain sector. As Supreme Commander of the Air Force, however, I am in a position to describe the whole picture, since I, after all, was also the responsible man who gave the orders and following my orders and my point of view the chiefs of the fleets received their instructions and directives as to what they had to do.

Warsaw -- first of all I should like to clarify the statement that on the first morning of the attack on Poland a large number of Polish cities, I believe the British Prosecutor mentioned their names, had been attacked. I do not remember their names anymore. In my directives for the first day of the attack on Poland I said specifically the first target should be the destruction of the enemy air force. Once that had been achieved the other targets could be attacked without difficulty. Therefore, there was an order to attack the following airfields and I am certain without having the names before me that eighty per cent of the names of places mentioned are cities or towns near which there were airfields.

The second named targets, which on the first day were to be attacked only in a limited measure were important railroad crossings. I point that out because shortly before the last and decisive attack on Warsaw the French military attache in Poland sent a report to his government which we are in a position to submit here and which we found later in Paris, from which it can be seen that even this enemy declared the German Air Force had, in Poland, exclusively attacked military targets -- exclusively and that was underlined.

Warsaw -- Warsaw first of all for a long time consisted of two targets -- that is the wrong expression because it went quickly. Before the surrounding of Warsaw they were first, the airfield Oketche, where the enemy air lanes were concentrated and the railroad station, one of the most strategic railroad stations in Poland. But these were not the decisive attacks which were talked about. But after Warsaw was encircled it was asked to surrender. That surrender was refused, was rejected and I remember and remind you of the proclamation which urged the entire civilian

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population to offer resistance, not only military but also civilian, which is against international law. Still we tried again. We dropped leaflets at first, not bombs, in which we urged the population to cease fighting. Secondly, when the commanding officer insisted on his point of view we urged the civilian population to evacuate the city before the bombing.

We then received a broadcast message that the commanding officer wanted to send a messenger and we agreed and waited but no messenger ever came. We did achieve that the diplomatic corps and all neutrals could leave Warsaw along a road which we were to designate and that was done.

Then, after the last message where we explained clearly that now we would be forced to attack the city most severely when no surrender took place, we thought first to shell the fortifications and then the batteries which had been established within the city. That was the attack on Warsaw.

Rotterdam -- in Rotterdam the situation was entirely different. In order to terminate the campaign in the Netherlands as quickly as possible and to avoid further bloodshed and since we had basically no matters of dispute with the Dutch, I had ordered the use of the use of the parachute division in the back of the troops deployed against us. First of all, in order to capture the three most important bridges, one near Mordeik across the Rhine, the other near Dortrecht and the third near Rotterdam. That paved the way to the rear of the main line of deployment and if that would prove successful the Dutch Army could only hold on for a few days. This use of my parachute division proved entirely successful.

While at Mordeik and Dortrecht resistance was overcome quickly the unit at Rotterdam got into difficulty. It was surrounded by Dutch troops. Everything hinged on the fact that the railroad bridge and the road bridge should fall into our hands without destruction because then only the last possibility to get at the rear of the Dutch troops would be available. While the main part was in the southern part of Rotterdam a few spearheads of the parachutists had crossed two bridges and fought severely. One was in the railroad station north of the river and the second within a number of buildings of the well-known butter or margerine factory which covered the road bridge. This spearhead held its position in spite of heavy attacks.

During that time a panzer division approached Rotterdam from the outside, crossed the Mordeik and Dortrecht bridges and here I would like to correct a

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mistake which arose during the interrogation of Field Marshal Kesselring by Sir David Maxwell-Fyfe. Lt. General Schmidt belonged to this group which came from the outside, the armored group and he led them. General Student was the leader of the parachute division inside of Rotterdam. That explains the fact that there were negotiations for capitulation with the commander of the troops coming from the outside and secondly, negotiations with the commander of the parachute troops within the city and these two negotiations were considered as one later.

If we examine this carefully and we can explain it to the minute, andif it could be seen whether it would come to a capitulation or not, and that has only to do with Rotterdam, then the group to the north of the two bridges wasin a very precarious position. Support across the two bridges was extremely difficult. They were under heavy fire, flanking machine gun fire and I could still draw a diagram of the situation. There was also artillery fire taking place so that a few individuals, and I remember the situation very well, were proceeding hanging by their hands from the bridge in order to get across and not be hit by the fire.

It was ordered to shell batteries north of the station and those Dutch forces on the road leading to the north and who were harassing our spearheads it was ordered they be bombed since the parachute troops had no artillery and bombing represents the only artillery of parachutists. I had assured my parachutists before theventure that they would under all circumstances receive the protection by bombers against heavy shelling. Three groups of my squadrons were used. The cry for help came from the broadcast station which the paratroopers had established in Rotterdam, which did not function as well as was mentioned here, and from the signals which the plans picked up such as arrows and signs which showed the reconnaissance flyers where the artillery shelling came from, northwest, south.

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Thereupon, I ordered the Air Force to use one squadron. The squadron started in three groups, about 25 to 36 planes. When the first group arrived, as far as I know the negotiations had started, but with no clearly visible results. In spite of that, red flares went up. The first group did not recognize the flares and threw their bombs as ordered, just into that area which was designated. If I remember the figure correctly, there were 36 twin-motored planes which could only have thrown 50-kilo bombs. The second and third groups recognized the red flares, turned around, and did not drop their bombs.

Wireless connections between Rotterdam and the planes did not exist. The wireless connection went from Rotterdam to my headquarters, Airfleet 2, to division squadron ground position, and from there there was a connection to the planes. That was in May 1940, when generally the wireless connection between ground crew and planes was a fairly good one, but not to be compared with the splendid communications which were worked out later in the course of the war.

It was essential, however, since Rotterdam could not broadcast directly to the planes, that the signals which had been agreed upon had to be used, that is to say, the red flares which were recognized by groups two and three, but not by group one.

The great amount of destruction was not caused by bombs but by fire. That can best be seen by the fact that all the buildings which were built of stor and concrete are still standing, but the wood buildings were destroyed. The great extent of that fire was because of structures with large amounts of fats and oils. Secondly, I want to point out -- I want to emphasize this -- that the fire could have been limited.

The final negotiations for capitulation, as far as I remember, took place at 6:00 o'clock in the evening, and I know that well, because during these negotiations there was still shooting going on and the General of the Paratroopers, Student, went to the window during the negotiations and was hit in the head by a bullet, which resulted in serious injury.

That is what I have to say about Rotterdam, an explanation about the two generals and their negotiations, one from the outside, the other one from the inside of Rotterdam.

Coventry. From the 6th of September to November, only after repeated warnings to the English Government, and after the Fuehrer had reserved for him-

H0084-0035

self the right to give the order for reprisal attacks on London and had hesitated for a long time, and after German cities which had no military targets had been bombed again and again, then only London was designated as a target for attack. From the 6th and 7th of September -- the first attack was on the 6th of September in the afternoon -- the German Air Force pounded continuously on London. Although this may have been for reasons of retaliation and political pressure, I still did not consider it an attainable goal.

I do not wish to be misunderstood by saying that I knew from the first World War that the people of London can take it and that we could not break their military resistance in this manner. It was important for me, first of all, to prevent an increase of the power of resistance of the British Air Force. As a soldier or, in other words, as Supreme Commander of the German Air Force, the matter of importance to me was to break the enemy air force.

Although the Fuehrer wanted to see London attacked, I prepared the designation of Coventry for the target, and that because, according to my information, in and around Coventry there was located a main part of the aircraft industry. Birmingham and Coventry were the most important targets. I decided on Coventry because there the most targets could be hit within the smallest area.

I prepared that attack myself with both air fleets, and examined all the plans and checked them, and at the first opportunity as far as the weather was concerned, a moonlit night, I ordered the attack and gave directives to repeat it until decisive results should be achieved against the British aircraft industry, and then to switch to the next target, Birmingham, and the large motor industry near Bristol and south of London.

That was the attack on Coventry, but in this case the reason for the city's being seriously hit was because of the fact that the industry was widely dispersed over the city, with the exception of two works which were outside of the city, and again in this case a great expansion of damage was achieved by fire. If we look at German cities today, we can see what fire can do.

That was the attack on Coventry.

Q In the year 1941, negotiations took place about collaboration with Japan. Were you present at these negotiations?

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A. I myself did not take part in the negotiations. I can say very little about negotiations with Japan because from a military point of view I had very little to do and seldom met with the Japanese. During the entire war, only once, and for a short time, I received a delegation of Japanese officers, attaches. Therefore, I cannot say anything about collaboration with Japan. We had made an agreement to exchange war experiences, but that went through the various offices and I had nothing to do with it definitely.

Q When were you first informed that Hitler thought a war against Russia necessary?

A For the first time I was informed about the intentions of the Fuehrer to get into a conflict with Russia under certain circumstances late in fall 1940, in Berchtesgaden.

Q Were you present during the conversation in November 1940 with the Russian Foreign Minister Molotov?

A I was not present personally during the conversation between Hitler and Molotov. Mr. Molotov, however, paid a visit to me and we discussed the general situation. I know about the conversation with Molotov, however, because the Fuehrer told me everything about it, and it was just that conversation which increased the Fuehrer's suspicion that Russia was getting ready for an attack upon Germany, and that came from discussions during that conversation and demands which Mr. Molotov made then.

They were: First of all, a guarantee to Bulgaria, and a pact of assistance with Bulgaria, such as Russia had made with the three Baltic states.

Secondly, the giving up of any interest in Finland to such an extent that Russia, which had signed a peace with Finland a short time ago, could attack Finland again and not have to be satisfied with the results of the previous agreement.

Thirdly, discussions about the Dardanelles and the Bosporus, and,

Fourthly, the possibility of aggression against Rumania through Bessarabia.

These were the points which were discussed with the Fuehrer. There was also a hint to the Foreign Minister about securing interests at the exit of the Baltic.

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The Fuehrer viewed these demands in a different light. Although Russia was especially justified about demands concerning Finland, he still believed that in connection with other reports which he had received about the Russian state of preparedness, Russia wanted to improve her position in Finland in order to overrun Germany from the north and to get into closest proximity with the Swedish ore mines, which would be of great importance to Germany.

Secondly, as to the advance as demanded into the Roumanian and Bulgarian area, it was not absolutely certain, clear, to the Fuehrer that this pressure would not continue in the south, the Dardanelles, or in an eastern direction, but in a western direction, that is to say, that here also Russia would move on the southern flank of Germany and by getting control of the Roumanian oil fields make Germany absolutely dependent on Russia as far as delivery of oil was concerned. In these demands he saw, somewhat camouflaged, assurances to gain positions against Germany. He hinted that guarantees concerning the exit of the Baltic was incompatible for Germany at that time.

Altogether that conversation caused the Fuehrer to feel increasingly menaced, and already in his discussion with me the Fuehrer had told me why he was considering preparing against the Russian push. The information as to feverish preparations in the area -- nearly accurate -- acquired by Russia in Poland, Lithuania, Bessarabia made him very suspicious.

Up to that time we had first only eight and then 20 to 25 divisions along the entire Eastern border. Further reports came that Russia at the very moment, if Germany would be menaced in the West by British invasion or if Germany should decide on an invasion against England, could attack us in the back. His arguments were strengthened by the fact that shortly before, and against all precedents which we had seen before in Russia, German engineers -- and I believe also artisans -- suddenly were shown the tremendous Russian industry in the field of aviation, aircraft and tanks. These reports, about the surprisingly high production of these industries strengthened the Fuehrer's conviction and he was so much convinced of it that he said if England -- and that was his political way of thought -- if England continues to refuse any arrangement with us, although she is now fighting alone against us, they must have some ace up their sleeve.

He had information that Prime Minister Churchill had emphasized two facts: first, that increased support by the United States could be expected, at least in the technical field, the armament field. And then still more far-reaching, and secondly -- which he considered more plausible -- that at that time already Churchill had reached an agreement with Russia in that direction, and pointed out that here sooner or later it was come to a clash.

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He gave the following calculations:

Before the United States would be ready with armament and mobilization, it was necessary to break Russian preparations by quick and strong blows and to weaken the Russian forces so that they would not represent a danger in the rear, when Hitler had to be prepared to fight the British and Americans on the continent.

These were the ways of thought of the Fuehrer which he expressed to me.

Then came the visit of Molotov, and which strengthened this thought extraordinarily.

Q What was your attitude toward an attack on Russia at that time?

A At that time I was first very much surprised and only a few hours later asked the Fuehrer's permission to state my point. It came too surprising for me. Then in the evening I told the Fuehrer the following;

I urged him not at that moment or an even short time thereafter to start any way against Russia.

And may I say that I was not concerned with reasons of international law or similar reasons. My point of view was decided by political and military reasons only. First, since the coming to power I believe that probably of all leading men in Germany, I considered the conflict with Russia the most threatening menace to Germany. I knew -- and many others like myself -- that in Russia for over ten years an exceedingly strong rearmament and training had taken place, that the standard of living had been lowered on all other fields in favor of rearmament. The shipments of German industry and examinations of shipments from American, British and other industries showed that they contained only such machines that were urgently needed for a rearmament program of the industry. One could even estimate the speed and the extent of the Russian armament program from these shipments.

If Germany had now developed in the Communist sense, then of course the Russian armament in my opinion would have been directed against other sources of danger. But since we had come to power, of course, the political and philosophical contrasts made an important and dangerous role. I understood that such contrasts do not necessarily have to lead to conflicts between states, because the national and political interests will always

be stronger and greater than all philosophical contrasts, or even agreements. But here also I discerned a menace, because what should these tremendous Russian rearmings have to do at a time when Germany was open to a menace of that kind?

I told the Fuehrer t hat in spite of this principal point of view I oversaw a menace threatening from Russia; I still would ask him to rather let this menace continue to exist and, if it was at all possible, to try to direct the interests of Russia against England. And I told him "At present we fight against one of the greatest powers, the British Empire. Though you, my Fuehrer, are not of this opinion, I have to contradict, because I am definitely of the opinion that sooner or later the second great world power, the United States, will march against us, and that will not depend on the reelection of President Roosevelt. The other candidate will not be able to prevent it. We will be in a struggle against two of the largest powers. It was your masterpiece to make possible at the beginning of the war that there be fighting on one front only, and you have always pointed out that this was important, that in case of a clash with Russia at this time, the third great power would be thrown into the struggle against Germany. We would be alone, isolated again, against practically the entire world. The other nations do not count. And again on two fronts."

He replied, "I do not misunderstand your argument. I do not overlook the Russian menace, any more than anybody else, but if we succeed now in executing our plans in the fight against the British Empire and if we are successful, Russia will

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not let her attack break loose; only if we should get stuck in a serious struggle in the West, I am of the opinion that the Russian menace will increase."

I was even of the opinion thatthe quick consent of the Russians to balance the Polish crisis was given in order to assure that Germany could come to this conflict, because thereby the German-French-British conflict was caused, and it was definitely in the Russian interest to precipitate this conflict and to do it with such advantages as they have done.

I also told the Fuehrer, as far as I had reports and evidence, the Russian armaments will only be completed in the year 1942, 1943 or even as late as 1944. Until then, it would have to be possible for us to achive with respect to England, if not a peace based on victory at least an arrangement. This, however, was only possible if decisive successes could be achieved against England, and at that time the German Air Force with all its power was attacking England. If the German Air Force would have to form a new front, and to deploy for the attack of Russia, considerable numbers, more than half, would have to be thrown to the East, and practically any energetic attack on England could not be carried out any more. All the sacrifices up to that time would have been in vain, England would be given a chance to re-establish and reorganize its aircraft industry which had been shattered.

But much more decisive than these considerations was the fact that with a deployment of that kind against Russia, my plan which I had submitted to the Fuehrer to attack England in Gibralter and Suez would have to be dropped. The attack on Gibralter by the Air Force was so methodically prepared that according to all expectations no failure could be thought of. The British Air Forces on the small air field north of the Rock were irrelevant. The attack of my paratroopers on the Rock would have been a success. The simultaneous capture of the other side, the African side, and then a push on Casablanca and Dakar would have assured at least that a deployment of American forces such as did happen later on in North Africa would have been impossible, and how far it would have been possible later by arrangements to use islands such as the Cutbert Islands was still to be seen.

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It is clear that it would have meant that we could sit on that point of North Africa with planes or U-Boats and harass all convoys coming from North or South Africa, from such favorable positions. And if the Mediterranean was closed it would not be difficult by pushing across Tripoli to bring the attack against Suez to a successful conclusion.

The exclusion of the Mediterranean as a combat area, the key point of Gibralter, North Africa down to Dakar, Suez and possibly in the south, and it was in the south of Seuz, could have been possible with small forces--a number of divisions on the one and the other side, and all the uncertainty of the long Italian coast-line would have been excluded from danger of attack.

I urged himto put these considerations in the foreground and only after the conclusion of such an undertaking to re-examine the military and political situation concerning Russia, and if this basis could be achieved, any favorable position against the United States would have been given to us.

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I explained all these reasons in the greatest detail and pointed out again andagain that we had here a relatively secure case which we would lose, as against an insecure one, and that this would have led much rather to an arrangement with England at a time at which one and the other was standing on either side of the Channel armed to the teeth. These were my reasons to delay the date of the attack against Russia, and I also pointed out that if we would be successful in this venture, the Russian armaments could have been channeled possibly into other political directions. I emphasize, however, that the Fuehrer at first had made only general preparations and he told me at that time that he would reserve a decision for the attack and that the final decision was only taken after the Simowitsch Putsch.

THE PRESIDENT: We will adjourn now.

(A recess was taken from 1525 to 1540 hours)

BY DR. STAHMER:

Q The prosecution has admitted Document 376-PS, dated 29 October 1940, and in paragraph five states the following:

"The Fuehrer is concerned with war against the United States and it is concerned with the occupation of Atlantic Islands."

What can you say to that?

A I am very well acquainted with this document because it has just been submitted to me. It is concerned with a letter which the Deputy of the Luftwaffe in the OKW, Lt. Colonel von Falkenstein, gave to the chief of my general staff. It is a study of those points which I have just set forth -- occupation of Gibraltar and North Africa and perhaps also the Atlantic Islands -- first of all, bases for combat against England; and secondly, in case -- and I underline "in case" -- in case America should enter the war, to have a better flanking position against their convoys. At that period of time, as far as I was concerned, without having conversed with the Fuehrer, had made research into the execution of enterprises of this nature and this material is, therefore, inconsequential.

Q In this connection, I have a further question. It had been stated that an organization of plans for the year 1950 had been executed.

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A This question may be answered briefly. I am familiar with this document, for on two or three occasions it has been mentioned by the prosecution. If, when an expert of the general staff of the powers represented were called in, he would say that this document is of small value. It is a study by the general staff, by the subordinate divisions, in order to work out the best schemes for a leadership organization. It was concerned with whether the leadership should be subordinated to certain offices or whether corps should be formed, whether squadrons should consist of fighters and bombers or whether it should consist of bombers only. These questions were always dealt with either in time of peace or in war, independent of other considerations, that these works are always carried on and they may sometimes be in the possibility of later strategy. In this case, the man who made the study assumed a situation around or up to 1950; he envisaged a two-front war which was not too far beyond possibility -- a war with England and France on the West and Russia in the East -- and the conditions were that Austria and Poland were in our hands. This study never reached my hands. I have just become acquainted with it now, although that is insignificant -- for the study was made in my department and since it was made in my department, it must have been made at my direction. Organization leadership and other considerations were always carried on.

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but when inconsequential for political consideration should not be considered in the course of this proceeding.

Q Several days ago it was pointed out that you made a speech allegedly before this staff of officers in which you said that you had an Air Force, and if a point of hourship came, it should be a mission of vengeance against the opponent, and as to the opponent there should be no question that he was already lost, but nevertheless he should do battle. I shall have this speech submitted to you and I would like to know your attitude you are taking, and what purposes are to be served?

A This quotation has been used by the prosecution twice; first in the beginning, and secondly, just the other day, in the cross-examination of Field Marshal Milch, and we are concerned with the speech which appeared in the book. The speech is called "Comradeship", and the comradeship in this speech is the duty to remember in the comradeship you are willing to sacrifice. This speech was addressed to thousands of Reich officers on the date they took their oath, on the 20th of May in 1936.

At length I told thousands of young flyers, on the first day they were being commissioned officers, I told them about the concept of comradeship, the duty and the very willingness to sacrifice. This quotation has been torn from my context. I request the Tribunal that I may read the preceding paragraph, so that the whole may be seen in its entirety, and I would like to picture the atmosphere in showing you that I had thousands of young enterprising officers of the Luftwaffe before me, and that I had imbued them with the belligerent spirit. "This is not concerned with the war of attack, but I have prepared you to be brave soldiers" and the quotations which have been taken from this document are as follows: "I demand of you nothing impossible. I do not demand of you to be a model. I would like you to be generous and magnanimous. I understand that you are committed to pranks, otherwise you would not be youth, and you may sometimes do pranks which seem crimes, and I will punish you rightly for it, but that is not the decisive factor, the decisive factor is love and honor, that you will be obedient, that you will be men. You may add to that as much as you wish, but once

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you are in the plane you must be men, determined to meet swift resistance, that is what I demand of you; to be brave and venturesome", and then the following paragraph which has just been read. " I am of the opinion that you have a weapon of vengeance towards the opponent, but be not concerned with vengeance", but the vengeance corps is a technical expression in German, which does not mean to me what it seems to mean to you. I wish to say something else in this connection, although I do not wish to read anything further. The words which I might use would be entirely untenable, because you have to consider before whom I spoke. In view of the use of that expression in the economic and political preparation, I understand it is with the military consideration which we are concerned.

THE PRESIDENT: Go on, Dr. Stahmer.

THE WITNESS: I would like to say I was commander-in-chief of the Luftwaffe, and made all the necessary preparations which were necessary for the preparation of a campaign of that nature; that consent, or refusal, or disagreement were not concerned.

DR. STAHMER: Your Honor, I cannot hear. Please continue.

THE WITNESS: From the military point of view the necessary preparations were of course taken. When you are concerned with a new strategic undertaking in which each and every officer had to take care of his military duty, the Luftwaffe in due course received this from me in that vein. I do not feel that the High Tribunal would be interested in the details of how I was concerned with the deployment of my Air Force in a decisive war in which you had to act heavily right from the beginning, and from the first to beat the enemy Air Force, and to destroy it completely. Independent of the purely military consideration and economic preparation, which according to the experience of the prior war, such as Poland, or in the west, these consideration seem essential, and doubly so in the case against Russia. However, in this case we had a completely different construction of economic life from that which we had found in the other countries on the Continent. In this case there was state economy and state ownership. Private economy was not in existence. I was charged with this idea, of course, since the fact existed, and since as plenipotentiary for the Four Year Plan I directed the whole

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economy and decreed matters accordingly.

I therefore instructed the economy staff, and formulated a plan accordingly for this deployment, and even more so since we had to expect that if a push through Russia would take place large parts of her economic system would be destroyed. From these economic mobilization measures the Green Brief Case resulted. I am of the opinion in each future, as well as the past war of the other side, together with a military and political mobilization, there would have to be an economic mobilization of both sides, otherwise a very unfortunate system would arise. The Green Brief Case, the Gruene Mappe case, had been cited repeatedly, but excerpts had been quoted from the context, and in order to save time I do not wish to quote at length passages from this Green Brief Case that might agree later on when the documents are quoted; but if I were to summarize, and if I were to read that Green Brief Case from the beginning to the end, the High Tribunal would see that in this case a very expedient and important work is involved, especially for an army which was to penetrate into an area which had a completely different economic system.

This Green Brief Case contains many positive matters, and here and now, perhaps, a sentence or phrase if cited alone, as has been done, would give the wrong picture. Altogether, preparations and other measures were laid down in this work. If economy was obtained from the State, and then you have a hostile contact with this State , there should be a continuance of this economy for your own purposes. But in order to save time I will not read the points which would exonerate me, for on the whole I have stated and wish to explain, that as a matter of course and a matter of duty we would have used Russia for our purposes, the same as Russia is doing now in the area which Russia is occupying in Germany, but the only differentiation is that we would not have dismantled the entire Russian economy up to the last bolt and screw, as it is being done, and those measures result in the course of battle. I will take complete responsibility for this document.

Q There has been as a matter of record Document No. 2718-PS, and this has been seized with a note of a conference with the state secretary regarding the case Barbarossa, and, first of all, a state of war can be carried on only

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if a whole army in the third year can be fed out on the road, and, secondly, that many millions of people will have starved if we take things that are necessary, and we lost those things from the country. Do you know about this substance of this conversation , and do you know about the note?

I got to know this document when it was submitted to me here. It seems to be insecure. We can not tell clearly just who was present at the meeting, what was talked about, and who had the responsibility for the nonsense that is expressed therein. It is a matter of course, but in the framework of the many expert conferences which took place many things were discussed and said which are entirely nonsensical and appear such.

First of all I would like to state the German Army would have been fed even if there had been no war with Russia. Conditions were notas they seemed to be in this quotation, "In order to feed the German Army we would have to attack Russia." Before the attack on Russia the German Army was fed and would have been fed thereafter. But if we had to march into Russia and march through, of course it was a matter of course that the army would be fed from the territory at hand in the country.

The feeding of several millions of people, that is, two or three, if I assume the march in its larger scale and in its larger proportions, can not prove that many, many millions on the other side can therefore starve; for a soldier cannot eat so much on one hand while on the other it would not be sufficient for numbers three times that much. As a matter of fact and de facto, the population of Russia did not starve. Of famine there was the sphere of possibility, however, but not because the German Army was to be fed out of Russia, but because through the destruction of agricultural implements; through the transporting away of other agricultural implements; and through the destruction of seed.

Many means were used that the harvest, which was still standing in the fields, was partially destroyed by the retreating Russian troops, and this harvest could not be brought in in large proportions; and great dangers existed for fall and spring cultivating of the field, for implements and seed were not present.

If this crisis was met it was metnot because the Russian troops destroyed or transported everything away, but because Germany was very much obliged to use over on materials, that is, machines of an agricultural nature, and brought everything of that nature along, including seed. And the troops were not fed out of the country but received their supplies from Germany, and this had to be done so. Beyond this hay had to be brought from Germany. Only through the greatest efforts of organization and administration and in cooperation with the local population slowly a balance could be met on the agricultural sector, and a surplus was achieved for Germany.

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As far as I know a famine only existed at Leningrad, as it has been mentioned, In this connection, Leningrad was a fortress which was besieged, and in the history of war there isno similar example that thebesieger would supply the beleaguered city with foodstuffs so that they could resist longer and more strongly. The history of wars has always shown that blockaders will do everything to force capitulation by a cutting of foodstuffs and other supplies. Neither under international law or on the basis of historical law should we feed fortresses which were resisting us.

Q And what part did the Luftwaffe have in the attack on Leningrad?

A The Luftwaffe air defense of Leningrad was very weak. The north sector of our attack was very poorly supplied with air defense. We had several tasks. At notime was there a concentrated attack byour air force on Leningrad, like we had made on other cities, or attacks which had been made on German cities. The Fuehrer not once but repeatedly, in the presence of other gentlemen at briefing sessions, accused me that apparently the German Luftwaffe didn't dare go into Leningrad. I replied, "So long as my Luftwaffe is ready to go into the hell of London it will be equally prepared to go into the much less-defended area of Leningrad, but I lacked the means, and besides you must not give me too many tasks for my air force in the north of the front, such as the routing of supplies through the Ladoga Sea and other considerations."

Attacks were made just once on Kronstadt, and to the fleet which was at Bayniaby, and other targets which had Soviets stationed there.

And a witness, a Russian professor, was of the opinion that the German Air Force was interested in destroying

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museums, and he said that under oath. But a later witness which was not under oath -- and I don't exactly remember the names -- was under the impression that my Luftwaffe was especially interested in using his cathedrals as a target. I would like to call to your attention in this connection -- and it may even be comprehended by non-experts -- St. Petersburg was at the very front of the fighting, and it was not important to attack it so much, for heavy and light artillery was quite sufficient to attack the city.

Q Confiscation by the occupying power -- did you limit yourself to state property?

A In this connection I forgot something connected with the last question, and that was that much destruction allegedly took place in Russia, and moving pictures were shown to this effect which, impressive as they may be but not impressive to a German -- for they showed only a modest proportion of the destruction which we suffered in our own cities. But I would like to point out that much of this destruction took place in the course of battle; that it was not intentional; not for the purpose of destroying by artillery or from the air. And historical cities were involved; cities of art were involved when the battle was raging.

Personalities like Tchaikovski, Tolstoy, and Puschkin are much too highly honored, and we would not intend to harm any of their monuments and we never had any such intentions.

Now about the question of the confiscation of state property and was it only such property that was confiscated. As far as I know, yes. Private property is mentioned in the official reports. So far as the winner of 1941 and 1942 there might have been in the matter of furs or perhaps fur boots, and some soldiers took some of these smaller articles from the people. But on the whole there was no private property, and as such could not be confiscated. I personally can speak only of a small fragment, and by that I mean the surroundings of the City of Winitza and the city of Winitza itself. My headquarters were at that city when I was there. I repeatedly visited the city and the outlying peasant estates, because I was interested in life there, and I saw poverty of such huge extent that I can not understand just what we should have or could have taken there. This is just an insignificant but constructive

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example; empty marmelade jars, empty tin cans, empty cigar boxes or cigarette boxes -- that the peasantsswere anxious to get these insignificant articles and were interested in trading eggs, for the peasants were interested in these articles and considered them very desirable.

In this connection I would like to emphasize that so far as I was concerned and learned personally and from Germans there were no theatres destroyed. I know just one theatre at the Winitza. I had visited the artists who were appearing there and I saw the ballet. I procured material, dresses, and allied materials for them because they were completely out of those things.

So far as the destruction of churches in the town of Winitza is concerned, there I attended the dedication of the largest church which for years prior to that time had been a powder magazine, and under the German administration was reinstated as a church.

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The clergy requested me to be present at this dedication, but I had to decline because I do not belong to the Orthodox Church.

As far as the looting of stores was concerned, I could see only one store in the Winitza that was completely empty.

Q What is the significance of the work camp Dora, which was mentioned by the French Prosecution?

A Before I go on to that, I must add to the accusation that we destroyed industry everywhere that this accusation is incorrect and that for our own purposes we had to reconstruct industry. I would like to call attention to the dam of Dnieper Potrowsk as the determining factor for the electrification of the upper region.

As far as industry and agriculture are concerned, we knew of the scorched earth policy, the policy that had been decreed by Russia and which had been executed by Russia. This scorch earth policy created a very curious situation, and it took much effort on our part to meet the situation. Therefore, from the economic point of view, we had much reconstruction to do.

As far as destruction of cities is concerned, I would like to add that over and beyond that which took place in the course of battle, there were parts of cities that had been mined and at the proper time went into the air, and, of course, had many German victims. I can cite Odessa and Kiev as special examples.

Now I am coming to the question of Camp Dora. This is the first time that I have had knowledge of this concept. Of course, I know of the subterranean works which were near Nordhausen. I personally never visited them, but they had been established quite early. Production was carried on there.

I am not familiar with conditions as alleged at Camp Dora, and I believe that they are exaggerated. Of course, I knew that subterranean works did exist, and I was interested in having material manufactured for the Luftwaffe, and I can not see that subterranean works should be of an especially serious or perhaps a destructive character. I had one important subterranean work at Kala for Luftwaffe armament. German workers, to a large part, were there; some Russian workers and some Russian prisoners of

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war were there, and I personally saw what was going on and found everyone in good spirits, and saw that they received additional rations and brought cigarettes and other things to them.

The other subterranean works for which I requested concentration camp internees were not put into existence. That I requested inmates of concentration camps for the armament of the Luftwaffe is correct and it is to be taken as a matter of course. I was not aware of the inner workings of the concentration camps. I knew that many Germans were in concentration camps. Some of them had refused to join the Army, who were politically unreliable, who had been punished in other ways. During times of war, such conditions existed in other countries also, and, as in other countries, everyone had to work in Germany. Women were taken into the labor front, including those who had never worked before in their lives. In my own home, parachutes were manufactured. Everyone had to participate in this work, and I could not see why, if the rest of the German population were working, the inmates of prisons and concentration camps should not also work and be put to use for the work essential to the war.

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.I am of the opinion that, as far as concentration camp inmates are concerned, from what I know today, it was better for them to work in the aerial armament works than perhaps in their own concentration camps.

The matter that they worked, per se, is to be taken as a matter of course, and that they worked for armament purposes is a matter of course, but that that work would mean destruction is a new concept. It may be that it might be envisaged, but I for my part was interested in having these people work rather than having them destroyed and to have them produce value, and I was interested in having them do the same work as the German people did -- that is, aerial accessories. I was not interested in having them destroyed.

Q On what conditions were prisoners of war used in flak operations.

A For flak operations, prisoners of war were used, essentially in those batteries which were in certain localities and were permanently stationed there. We were concerned in this case with volunteers. These were chiefly Russian prisoners of war, but not entirely so, so far as I remember.

We may not forget that in Russia there were various people who did not think alike. Certain East battalions were made up of volunteers, and a large number of volunteers arose when the announcements for flak batteries were made. We had an entire division of volunteers -- Russian prisoners-of-war -- who were ready to fight against their own country. I was not especially impressed with these people, but during war, you take what you can get, and the other side did the same thing. The volunteers were ready to go into the flak work because there their work was less; their supplies were better, and whatever other reasons they may have had I do not know, but if a local German flak battery in, say the year 1944 or 1945, were to be looked at, I will admit that it created a rather strange impression. There were young men -- people of fifteen to eighteen -- old men between fifty-five and sixty, some women, some volunteers of all nations, but they shot, and that was the deciding thing.

Q In what relation was Sauckel to you as far as his office was concerned.

A I already mentioned this. In the Four Year Plan in 1938 there was

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a general plenipotentiary for the labor frnt. It was decreed in the year 1936. In the year 1942, after he had been ill and had beenrepresented by somebody else, through the direct calling of a new general plenipotentiary for the labor front. It was told me by the Fuehrer. I was surprised I had not been consulted. At that time the Fuehrer had acted independently in the matter of all problems. He did so in this. The labor problem became increasingly more difficult from day to day. It had been suggested to him to put in a new man, but a Gauleiter of a different name who came from Silesia, but the Fuehrer decided on the Gauleiter from Thuringia, Sauckel. He made him plenipotentiary. This order was countersigned by Lammers, not by myself, but these are just inconsequential remarks. He was formally taken into the Four Year Plan, for the Four Year Plan had the general authority for all things of the economy. Even Goebbels, a plenipotentiary for total war with which I was not connected in any way, was taken into the authority for the Four Year Plan, and the authority of the Four Year Plan had grown up gradually.

Then Sauckel, in those days and from then on received his orders from the Fuehrer, for the Fuehrer increasingly acted more independently. I hailed the appointment of Sauckel for I considered him one of the calmest Gauleiters and was convinced that he would give his full attention to the task. The connection of the offices of the Four Year Plan was kept, and when important measures were concerned, Sauckel and the officers of the Four Year Plan worked together.

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Sauckel himself lectured to me on several occasions after he had visited with the Fuehrer, and told me of those reports which he sent to the Fuehrer. If not in detail, on the whole I was informed.

Q In March of 1944, 75 English fliers, Stalag Luft 3, escaped. As you no doubt know, 50 of these officers after their recapture were shot by the SD. Did this order for shooting come through you, and didyou know about this measure?

A I know this incident very completely, very minutely, but it came to my attention, unfortunately, at a later period of time. When the attempt at escape of the 75 or 80 English flier officers occurred in the last third of March, I was at that time on leave, as I can prove. I heard, one or two days later, about this escape.

Since prior to that time large escapes had taken place and later on many of these escapees had been brought back into the camp, I assumed that in this case the same would apply.

On my return from leave, my chief of staff told me that a part, but he couldn't give me the exact figure at the time, of these escaped fliers had been shot, and knowledge of this was in the Luftwaffe, and there had been conversations and reprisals were expected. I asked from whom he had had his information. He said he knew only that a part of the escaped men had been recaptured by the guards in the vicinity of the camp and had been done to these men. On the other hand, those who had been recaptured at a greater distance from the camp, he knew only about their fate that part of them had been shot.

I turned to Himmler and asked him, and he confirmed it without mentioning a definite figure, and said that he had received this order from the Fuehrer. I called his attention to the fact that this was really impossible, and that the English officers had been duty bound to try one or two escapes and that we were fully cognizant of this fact. He said he had contradicted the Fuehrer in this matter, but that the Fuehrer had insisted absolutely, and the Fuehrer had said that these attempts at escape were endangering security.

I told him then that excitement would result in my branch because we could not understand such measures, and if he had received such orders he would please inform me before carrying them through so that I would have the possibility to prevent such orders from being carried through if possible.

After this instruction I talked to the Fuehrer personally about this matter,

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and the Fuehrer confirmed that he had given this order, and told me why. He gave the reasons as I have just given them to you. I told him why this order, according to our opinion,

was completely impossible and what repercussions would be on my fliers in the West.

My relations then with the Fuehrer were poor, and aggravated, and he answered that the fliers which were flying against Russia would be beaten to death immediately on emergency landing, and that the fliers going to the West should not expect a special privilege in that regard for themselves. I told him that these two things really had no connection.

Then I talked with the chief of my General Staff and asked him--I believe it was General Quartermaster--to write to the OKW. I asked thatthe Luftwaffe be requested that these camps would be taken away from them, that I did not wish to concern myself with camps if cases of this nature were to be repeated, and this document described this condition, and this is what I know about this condition.

Q Witness von Brauchitsch testified the other day that in May of 1944 the Fuehrer decreed strictest measures against the so-called terror fliers. Did you comply with this Fuehrer decree and give instructions to shoot enemy terror fliers or to have them taken in by the SD?

A The concept "terror fliers" was confused. A part of the population and of the press called everything "terror fliers", called everyone a terror flier who attacked cities. There was much excitement among the German population because of the heavy and continued air attacks on German cities, attacks by which the population in part saw that the industrially vital targets were less frequently hit than houses and non-military targets. Then in that way some German cities had been hit to the utmost in their residential districts without the industry which was nearby in the same cities being hit, or at least vitally hit.

Then as enemy forces approached low flying aircraft afterward appeared. These attacks in part were on military targets and in part non-military targets. Reports came repeatedly to the Fuehrer, and I too received word of these reports, that the civilian population was attacked with machine guns and that some vehicles which were definitely known to be civilian vehicles, some vehicles which were Red Cross property, had been attacked.

One report came in---I remember it especially because the Fuehrer was terribly excited about it--that a group of children had been attacked that

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way. Men and women who stood in line in front of stores had been attacked that way, and these activities were designated asthose of terror fliers.

The Fuehrer was unusually excited about it. The populace took to mob law and lynching, and we tried to curb these activities. I heard that the police and Bormann had instructions not to do anything. These reports multiplied, and the Fuehrer decreed that these terror fliers should be shot, or expressed himself in that line of thought.

The view had been established beforehand that when fliers were interrogated these fliers had said that their superiors had prohibited such attacks, that they were only to attack militarily known targets.

Now, as it is often the case in matters of this kind, all possible sources which might be concerned in this were called in, and we were of the opinion, as Brauchitsch has already declared, that not only the people in the Air Force, but OKW and other military offices were of the opinion that it would be hard to formulate and to defend a decree; that the concept of the terror fliers would have to be established once and for all. In order to do this, four points were set down, and those points have already been read.

Debate was rather violent on this matter, and generally I was of the opinion that these fliers, since they were prohibited by their own superiors to do these things, that they could be prosecuted by a military court.

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No definite decree was ordered and no office of the Luftwaffe has ever received any instructions to undertake any steps in this direction.

The document of the 6th of June, 1944, deals with this matter, that a conference between Himmler, Ribbentrop and myself took place at Oberursel. My adjutant von Brauchitsch told me that he had received a document that such a conference had taken place, but it does not say it actually took place. Now, the day of 6/6/44 is an important day, for it is the day of the invasion - or D-Day. I cannot tell just exactly where I was, but I think it was at Klessheim. Klessheim is a castle near Berchtesgaden and served the purpose of housing fliers.

Long since it had been customary that if and when such allied visits would take place, I, as Chief Commissioner of the Luftwaffe, was not present for each of these visits. It made no difference whether it was Bulgaria, Rumania, Finland, or whoever it was; it might even have been Italy. I made it a point not to be there in such cases so that the Fuehrer would have an opportunity to say, "I must first consult with the Commissioner in Chief of the Luftwaffe" whenever they demanded help and machinery.

Therefore, I had left Berchtesgaden on that day and was on my way to my estate near Nurnberg, and the accompanying physician can testify to that if necessary. In the morning hours I learned about the invasion. This actually had been proclaimed as an invasion. I thought it might be an invasion or just another measure. I left after luncheon and arrived at Berchtesgaden in the early evening. It is a 4½ hour journey and therefore I did not take part in the conference with Ribbentrop or anyone, and I would like to emphasize this point. The conference was carried on by my adjutant Von Brauchitsch and he was the one who told the OKW that it was my opinion, without first consulting me, that it would be the thing to have a proceeding. The decisive thing is that none of the offices of the Luftwaffe gave instructions of this notice as the Fuehrer ordered, and - did not make or issue any such decree.

A document which has already been read concerns Luftgau No. 11, about the shooting of American fliers. I believe they were Americans. The

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Luftgau No. 11 is concerned in this document. I looked into the document very carefully, together with its appendices. It is stated very definitely that the Luftgau No. 11 reported that the fliers who had had a forced landing at the lake had been aided by the police, that they had not all been shot. The Luftgau reported its proceedings, and in its appendices each of the men is mentioned by name, and its proceedings, and in its ap endices each of the men is mentioned by name, and what happened to them. Some were taken to hospitals, others were shot. It made no difference whether it was our own fliers or hostile fliers, as it was an emergency landing, but a report of our own or hostile craft and the reason for landing was to be put down on a report sheet. They had to say what happened to these fliers, whether they had been brought to a hospital. The shooting by the police is recorded.

Records of this type, of our own and of hostile craft, and of the men, we have hundreds of these reports, and the reports which came to our office were in connection with matters of this kind, and our documents show that in all clarity.

In this connection there were arguments in which all of these gentlemen were present at briefing sessions with the Fuehrer every day. It happened that the Fuehrer, in an uncordial tone of voice, told me that he wished to know the names of some of the officers who had protected fliers from the population, and that he wanted these officers punished. I never punished these officers, and I in turn told the Fuehrer that they had already been punished, and also pointed out that some of our own fliers who had made emergency landings had been mistreated by our own people because they did not recognise them.

There was one last sharp disagreement in the presence of many gentlemen, and the Fuehrer, when I again pointed out these things, very sharply said: "I know that. Both air forces have come to an agreement." I told him that we did not have an agreement but that fliers are always comrades, even though they fight each other.

Q What was your attitude, as the Commissioner in Chief of the Air Force, when it came to the punishment of subordinate soliders who committed

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crimes in the occupation territories?

A As judge on cases which were of the more serious nature, I put many hours in the solving of these problems. I put more stress on the fact that first the adjutant of the Luftwaffe should be heard on this point. In many cases I rescinded the judgments because they were too mild. Especially if they were involved in the death sentence which had been passed by a Tribunal, I always upheld the death sentenceunless there was an appeal for mercy by the party condemned. Some of the families of Luftwaffe men had been sentenced to death and I confirmed this sentence, because they had murdered some of the people who lived in the occupied countries of the East and the West.

I do not wish to take up the time of the Tribunal by stating details. If, for example, in France, Russia, Holland, or any other country, the local civilian inhabitants would help hostile fliers to escape, or if they sabotaged aircraft or engaged in espionage, the state of war made it necessary. Ingeneral, I would like to emphasize in this connection, of course, that the death penalty which had been described was also put into effect.

During all the years of war, in cases where women were involved with the air force, I decreed mercy and never confirmed a sentence for a woman.

Q In your military and economic measure of waffare, did you take into consideration whether these measures were in agreement with the Hague Convention?

A The Hague Convention was for land waffare. When I scanned it over on the eve of the Polish campaign, I was reading the Articles and I was sorry that I had not studied them much sooner. If I had done so I would have told the Fuehrer that with these rules as they had been put down, paragraph by paragraph, a modern war could not be waged, but that in a modern war, with its technical improvements, the stipulations of 1906 and 1907 would have to be changed in order to have a new type of warfare. Those stipulations made in the Hague Convention were for land warfare. I questioned these stipulations through logic, because these regulations up

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to 1907 were for land warfare, and from 1935 and thereafter there was not only land warfare but also air warfare. That, of course, was not included in the stipulation.

It introduced a completely new situation and added a new phase to the Hague Convention. But that is not the decisive point.

Modern and total war, according to my view, takes place in three phases of war: the war of weapons by land, on the sea, and in the air; the economic war which is an integral part of every modern war; and, third, the propaganda war, which is also an important part of warfare. On the basis of logic you take these into consideration.

The Hague Convention stipulates that the weapons of the enemy are considered part of the booty of war. I must say that today, in modern war, the weapons of our opponents have only little value, that raw materials such as steel, aluminum, copper and tin have much more vital use as far as booty is concerned, and are much more useful than abandoned weapons which we may take. Beyond that we are concerned only with raw material no matter who has it. The Hague Convention provided that those things can be confiscated which are necessary, but that is not a decisive point. You can agree to that.

In this modern war, the economic war is the basis for carrying on the war. In this case, in the economic war, a question of manpower is of the utmost importance, much more so than in 1907. The Russian-Japanese war, the English-Boer War, might be cited in 1907, but they have come up by different causes. In those days it was a war of army against army and the population itself did not seem to be involved. It cannot be compared with the total war of today which involves everyone, even the children, through bombing attacks.

Accordingly, manpower and the worker himself is an integral part of the economic war and he should be utilized. I am not saying that warfare should be exploited in such a way that a person's property should be damaged. His working power is to be utilized as much as possible.

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One of the witnesses mentioned some time ago that men had remained in occupied territory where fighting was still going on for 1, 2, 3 and 5 years and other men were still coming in. As far as the question of labor is concerned, it was established as a measure of security and we are duty-bound to feed the occupied countries. If possible, it was our duty to distribute manpower and at the same time, those who did not have work in their own countries might have become a danger through the resistance movement against us, and it would be in our interest to eliminate these people. Therefore, we should use them in Germany, and we did use this labor for security reasons so that they would not be active in their own country and would not work against us. On the other hand, they served to help in the economic war. I am being very brief in all of these matters concerning propaganda war.

At one point the Prosecution mentioned that we confiscated radios, and that we consider a matter of course. Propaganda is very important, and propaganda as waged by radio -- and no one knows better than Germany, through experience. The many dangers of the resistance and underground movements, and also sabotage by the Allied forces -- these things happened and they may be traced back to propaganda.

The Convention as written down in 1907 should not be an instrument to govern modern warfare, for in its essential aspects it does not take into consideration the air war, modern warfare, or propaganda warfare.

And at this point I would like to say the same words which one of our greatest war leaders and our enemy, the former Prime Minister of England, Winston Churchill used: "In the struggle for life and death there is no legality."

THE PRESIDENT: The court will adjourn.

"The Tribunal adjourned until 16 February 1946 at 1000 hours.)